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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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In re application of: Micher et al.

Attorney Docket No.: KLA1P117/1151

Application No.: 10/729,838

Examiner: STOCK JR., GORDON J.

Filed: December 5, 2003

Group: 2877

Title: APPARATUS AND METHODS FOR  
DETECTING OVERLAY ERRORS USING  
SCATTEROMETRY

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated May 17, 2006, Applicant hereby elects, species 8 (shown in Figure 8) to prosecute in the above-identified patent application. Clams 11-14, 19, 24-26, 32-35, 48, 66-69, 74, 79-81, and 87-90 are readable on this species.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. KLA1P117).

Respectfully submitted,  
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